



TOWN OF ARLINGTON

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ARLINGTON CONSERVATION COMMISSION

Arlington Conservation Commission

Minutes

June 20, 2019

Mr. Stevens called the meeting to order at 7:35 p.m. in the Main Room of the Arlington Senior Center. Present were Commission Members David White, Susan Chapnick, Curt Connors, Nathaniel Stevens, Chuck Tirone, and Pam Heidell; Associate Commissioner Cathy Garnett; and Conservation Agent Emily Sullivan. Commissioner Mike Nonni was absent. Also present were Beth Melofchik, Mike Gildesgame, Ian Jessen, Eliza Hatch, Ellen Cohen, Harold Boucher, Keith Schubbly, Michael Quinn, Peter Musial, Lolly Bennett, Keith Stone, Anne Randolph, Ben Ferber, Alice Trexler, Scott Meadows, Downing Cless, Anne Ellinger, Lisa Fredman, John Page, Dan Klebanov, Heijing Kim, Joanne Preston, Fiona Howard, as well as other members of the public who did not sign in.

N. Stevens announced that the meeting would be audio recorded.

Administrative

06/06/2019 Meeting Minutes

The Commission discussed edits to the draft minutes. C. Connors motioned to approve the minutes as edited, S. Chapnick seconded, all were in favor, motion approved.

Algonquin Pipeline Projects (J-1 and J-4 Pipelines)

E. Sullivan informed the Commission that the Algonquin pipeline work for Pipeline J-1 along Sunnyside Avenue has been completed. The work for Pipeline J-1 along Lafayette Street has not been completed. The project contractor, TRC, sent the Commission a post construction report, which E. Sullivan distributed to the Commission. The report summarized the work completed and the restoration measures used to restore the work sites to their original elevation, vegetation, and stabilized conditions.

Work for Pipeline J-4 along Boulevard Road is still ongoing.

Alternatives Analysis Memo

P. Heidell shared her Alternatives Analysis Memo with the rest of the Commission. The memo reviews the language that other municipalities in Middlesex County have in their local wetland protection regulations for alternatives analysis. The language from other Massachusetts communities outside of Middlesex Country was also reviewed if the communities were known to

have particularly helpful language as suggested by the “Review of Wetland Resource Area Buffer Zone Distances” prepared in 2013 by the Tewksbury Conservation Commission By-law Subcommittee as well as other sources.

These communities include: Attleboro, Bellingham, Billerica, Chelmsford, Framingham, Hopkinton, Lincoln, Manchester-by-the-Sea, and Sudbury.

The Commission discussed P. Heidell's memo. The Commission also acknowledged the memo Town Counsel D. Heim wrote, also addressing the Commission's regulation's alternatives analysis as it relates to the ongoing application for 47 Spy Pond Lane Lot 1/A. The Commission agreed to continue discussing the issue of alternatives analysis, with the possibility of including it in the next revision of the Commission's regulations.

Invasives Species Management and Identification Training

E. Sullivan reminded the Commission that the Land Steward Training, which is open to all members of the public, is scheduled for Sunday, June 23, 2019 from 1-5pm in the Second Floor Conference Room of the Town Hall Annex. The training includes both a classroom and field component at Cooke's Hollow for field identification.

Hatch Invoice #11 for Spy Pond Project

The Commission reviewed the \$2,303.56 invoice submitted by Hatch for construction administration services for the Spy Pond project. E. Sullivan recommended approving the invoice, C. Garnett also recommended approving the invoice. D. White motioned to approve the invoice, C. Tirone seconded, all were in favor, motion approved.

Conservation Commission Candidates

N. Stevens introduced Mike Gildesgame, a resident interested in filling an open position with the Conservation Commission. Mr. Gildesgame had sent an application to the Town Manager. N. Stevens announced that Commissioner C. Connors was leaving the Commission as his term was up, and that tonight would be his last meeting.

All Commissioners introduced themselves, stated their professional background and its relevance to the Commission's work, and how long they have served on the Commission. M. Gildesgame introduced himself, and stated that his professional background included over 30 years of experience in natural resource management and environmental policy development. M. Gildesgame worked for agencies including the Massachusetts Department of Conservation and Recreation, as well as the Appalachian Mountain Club.

N. Stevens thanked M. Gildesgame for attending the meeting. N. Stevens stated that there were several candidates interested in joining the Commission, and that each candidate would similarly attend a meeting to learn more about expectations, level of commitment needed to be a Commissioner, and how the candidates' expertise addresses current knowledge gaps within the Commission. When the Commission has met every candidate, it will make a recommendation to the Town Manager about who he should appoint, subject to the Selectmen's

approval. N. Stevens also described the difference between regular and Associate members of the Commission.

Notice of Intent: 36 Peabody Road

Documents Reviewed: NOI Package, dated 6/12/2019

Back Yard Hardscape Plan, created by Rue Sherwood Landscape Design LLC, dated 3/11/2019

Natural Heritage and Endangered Species Program Response Letter, dated 6/19/2019

Resource Area: Spy Pond, 100-Foot Adjacent Upland Wetland Resource Area (AURA) under the Arlington Wetland regulations

I. Jessen and E. Hatch presented the application. The application proposes cleaning up and stabilizing and vegetating the backyard of their property, which abuts Spy Pond. The backyard is of steep grade. The proposed project would stabilize the backyard through the construction of retaining walls, and would vegetate the backyard slope with native plants. A walkway would also be build along with the retaining walls, providing a safe route of access to the pond's edge.

The Applicants applied for this proposed work through an ecological restoration NOI, and submitted the application to MassWildlife's Natural Heritage and Endangered Species Program.

C. Garnett asked for better resource area delineation on the plans. C. Garnett also requested a plant survey of the backyard. MassWildlife had also made the same request in their response letter to the application, dated June 19th, 2019.

S. Chapnick noted that there are currently cement blocks along the pond's bank. S. Chapnick asked whether the project would address the blocks. I. Jessen stated that it would be a good opportunity to reset them, though likely disruptive. C. Garnett agreed that resetting the blocks would be disruptive.

P. Heidell noted that the NOI lists Bordering Vegetated Wetlands (BVW) as an impacted area. P. Heidell does not believe that BVW will be impacted, but that bank and adjacent upland resource area (AURA) will be impacted. P. Heidell also questioned whether an ecological restoration NOI (ER NOI) was the appropriate permit form, and recommended that the Applicants submit a Notice of Intent instead. E. Sullivan will contact MassDEP and inquire about the correct process to change the ER NOI to an NOI. N. Stevens asked if a MassDEP file number had already been assigned the application. MassDEP has not assigned a file number yet, and E. Sullivan has not received any comments regarding the application.

Abutter D. Terry recommended resetting or restoring the cement blocks as part of this project.

The Commission recommended continuing the hearing until additional information was received, including revising the plan and using an NOI form and conducting a plant survey of the

property per MassWildlife's recommendation. D. White motioned to continue the hearing to the July 11th meeting, S. Chapnick seconded, all were in favor, motion approved.

Notice of Intent: 61 Sunnyside Avenue

The Applicant requested that the hearing be continued to the July 11, 2019 meeting.

C. Connors moved to continue the hearing to the July 11th meeting, P. Heidell seconded, all were in favor, motion approved

Notice of Intent: 47 Spy Pond Lane Lot 1/A

Documents Reviewed: NOI Package, dated 6/11/2019

Drainage Analysis, conducted by Alan Engineering LLC, dated 6/28/2019

Planting Plan, stamped by James Richard Keenan, dated 11/7/2018, revised 6/11/2019

Proposed Site Plan, stamped by James Richard Keenan, dated 11/7/2019, revised 6/11/2019

Cross Section of 47 Spy Pond Lane Lot 1/A, dated 6/10/2019

Resource Area: Spy Pond, BVW, Buffer Zone/100-Foot Adjacent Upland Wetland Resource Area (AURA) under the Arlington Wetland regulations

N. Stevens reminded the Commission the members of the public that since this was a new NOI, and not a revised NOI like has been submitted in the past, this project would be assessed using the 2018 local wetlands regulations. The state regulations did not apply as DEP approved a similar project already. N. Stevens articulated that there were three major changes between the 2015 and 2018 regulations. First, the 2018 regulations clarified and simplified language regarding the adjacent upland resource area (AURA); second, a section regarding climate change resilience was added; and finally, the plant replacement policy was strengthened. N. Stevens affirmed that the 2018 regulations were in no way "weaker" or "looser" than the 2015 regulations, only that application expectations were clarified.

N. Stevens also stated that the changes to the Floodplain and Wetlands Overlay Districts, which are part of the Zoning Bylaw and thus not under the Commission's purview, that were approved during 2019 Town Meeting did not weaken wetland protection regulations. The changes to the overlay districts were primarily administrative, and updated wording to create consistency between Arlington's wetland protection regulations and Arlington's zoning by-laws.

M. Trudeau presented the project proposal, which is the fourth NOI for this project on Lot 1/A. M. Trudeau stated that S. Seaver proposed three mitigation measures to include as amendments to the NOI filed in the fall of 2018. The three mitigation measures include: 1) installing a stormwater quality unit at the intersection of Princeton Road and Alfred Road to collect and manage stormwater from the site and from the street; 2) making a one-time donation of \$5,000 to the Commission for a stabilization or mitigation effort offsite, at one of the pond's access points; and, 3) shortening the house by 2.5 feet along the entire 38-foot width of the

structure, creating a reduction of 95 square feet (2.5-feet x 38-Feet= 95 square feet), which would result in the structure being 74.5 feet away from the pond (2.5 feet farther than the last proposal which was denied by the Commission). The house presented in this NOI is 8% smaller than the house size presented in Fall of 2018. M. Trudeau also addressed the extent of the drip line of the existing Sycamore tree on site.

M. Trudeau stated that although the house size has been reduced, the stormwater unit proposed to be installed onsite is still sized for a larger house.

C. Connors requested that all documents from previous NOI hearings and working session for this site be included in the record. N. Stevens acknowledged that request and explained to the public that because this was done, they need not resubmit whatever they had submitted during the prior hearings.

S. Chapnick stated that she appreciated the thoughtfulness of this application's consideration of climate change resilience. S. Chapnick noted that the proposed replacement trees are 2.5", but request 3" instead. The applicant agreed. S. Chapnick also asked for clarification regarding the installation of erosion and sediment control measures. M. Trudeau clarified that a filter sock would be installed along the pond's bank to prevent erosion and sedimentation during the installation of the 25-ft vegetated mitigation buffer.

P. Heidell asked whether the stormwater units would have monitoring wells or viewing ports so that future property owners would be able to properly operate and maintain the unit. M. Trudeau said she would have wells or ports added to the plans.

C. Tirone stated that he did not think that all runoff would enter the proposed unit. C. Tirone also asked why S. Seaver wasn't more seriously considering a smaller house size.

C. Garnett inquired about the proposed retaining wall, and how the wall would impact wildlife accessibility. C. Tirone requested a detail of the retaining wall.

N. Stevens noted that the proposal includes adding pervious surfaces to the site that fall outside of the Commission's jurisdiction. N. Stevens asked if the Application would consider a covenant to ensure the surfaces remain pervious. M. Trudeau stated that yes, the Applicant would be willing to place such a covenant on the property..

C. Tirone stated that the road near the Princeton Road and Alfred Road intersection is rough, and requested that the Applicant look into resurfacing the road. M. Trudeau agreed to look into the cost.

Public Comments

D. Cless stated that the alternatives analysis was inadequate.

D. Klebanov stated that the alternatives analysis was inadequate and that this project was a significant permanent disturbance to the AURA.

L. Bennett stated that the proposed mitigation measures do not address the significant permanent disturbance. L. Bennett also stated that the project should consider a 1 car garage.

F. Howard inquired about the offsite mitigation. N. Stevens stated that the stormwater unit would be paid for and installed by the Applicant, but that the Town would maintain it.

J. Preston expressed concern that replacement trees would not survive. C. Garnett stated that 3" trees were the most likely trees to survive, and that anything larger would become too stressed during transplant and die.

B. Melofchik stated that no trees should be removed through this project.

A. Khan stated that profit should not be considered in this permit, and that the alternatives analysis was inadequate.

B. Ferber stated that the existing lawn has habitat value and that no trees should be removed through this project.

The Commission requested the following additions or changes be made to the application: ask the Town Engineer to review the drainage analysis, propose 3" replace trees rather than 2.5", confirm/ add wells/viewing ports to the stormwater units, confirm whether all roof runoff would enter the onsite stormwater unit, clarify questions about the retaining wall, determine the feasibility of repairing the road near the offsite stormwater unit, and add the drip line of the existing sycamore tree to the plans.

C. Tirone motioned to continue the hearing to the July 11th meeting, C. Connors seconded, all were in favor, motion approved.

Meeting adjourned at 9:55pm.

The Conservation Commission's next meeting scheduled for Thursday, July 11th, 2019 at 7:30pm in Main Room of the Arlington Senior Center.

Respectfully submitted,
Emily Sullivan